

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS
FEB 24 1999

IN THE MATTER OF:

DOCKET NUMBER: 98-02020

[REDACTED]
COUNSEL: NONE

[REDACTED]
HEARING DESIRED: NO

Applicant requests that his under other than honorable conditions discharge be upgraded to honorable. Applicant's submission is at Exhibit A.

The appropriate Air Force office evaluated applicant's request and provided an advisory opinion to the Board recommending the application be denied (Exhibit C). The advisory opinion was forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory Opinion appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Henry C. Saunders, Ms. Ann L. Heidig, and Ms. Sophie A. Clark considered this application on 10 Dec 98 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.


HENRY C. SAUNDERS
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinion
- D. SAF/MIBR Ltr Forwarding Advisory Opinion



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE TEXAS

AUG 27 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPRS
550 C Street West Ste 11
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records [REDACTED]

The applicant, while serving in the grade of senior airman, was discharged from the Air Force 28 Jun 83 under the provisions of AFR 39-10 (Misconduct Sexual Deviation/Board Waiver) with an under other than honorable conditions discharge. He served 09 years 04 months and 23 days active service.

Requested Action. The applicant is requesting his under other than honorable conditions discharge be upgraded to honorable.

Basis for Request. Applicant claims his discharge was based on erroneous information and quick action by the Commander due to sensitivity of his job and publicity about his unit at Tinker AFB OK. He states he was not charged by civilian authorities however, after his commander and OSI was notified and a newspaper article published giving his name, along with mention of his unit, it did not set well with the Air Force and it was strongly suggested to him that he leave the Air Force under other than honorable conditions. He indicates he was rather upset but did not argue the matter. Additionally, he claims the Veterans Administration accepted him for full benefits under the GI Bill after they investigated and was provided information concerning his case by his former commander.

Facts. Applicant's master personnel record does not contain the discharge case file however, his DD Form 214 indicates his discharge was for misconduct- sexual deviation. In addition, his record indicates he was administered Art 15 punishment on 01 Oct 82 because he communicated to three children under the age of 16 years, certain indecent language, to wit "Conversation you had with the three boys in regard to posing nude for money." Finally, his record contains an AF Form 2098 (Duty Status Change) dated 20 Jun 83 prepared to report applicant's period of absence from military control for the period 04 Jan 83 to 12 Jan 83 with remarks "Member waived all rights to remain silent and pleaded guilty to charges brought by the U.S. District Court for the Northern District of New York, Case No. 83-CR-50, of knowingly used U.S. mails for delivery and receipt of certain nonmailable matter including photographic film, prints, negatives, consisting of and containing obscene, lewd, lascivious, indecent, filthy, and vile pictures of persons under 16 years of age in violation of Title 18, USC, Sec 13 and Sec 1040.13 of the Oklahoma statutes.."

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Recommendation. Applicant did not identify any specific errors in the discharge processing nor provide facts which warrant an upgrade of the discharge he received over **15** years ago and has indicated in his application that he was upset to the recommendation that he leave the Air Force under other than honorable condition but, did not argue the matter. Therefore, we recommend applicant's request be denied. He has not filed a timely request.



JOHN C. WOOTEN, DAF
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Separations Branch
Dir of Personnel Program Management

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